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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,763	08/01/2003	Toshihiro Shima	MIPFP044	5047

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EXAMINER
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WHIPPLE, BRIAN P

ART UNIT	PAPER NUMBER
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2152

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01/30/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/632,763

Applicant(s)

SHIMA, TOSHIHIRO

Examiner

Brian P. Whipple

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/26/07 has been entered.
2. Claims 1 and 4-16 are pending in this application and presented for examination. Claim 2 has been previously cancelled by Applicant's amendment filed on 6/4/07 and claim 3 has been cancelled by Applicant's amendment filed on 11/23/07.

### *Response to Arguments*

3. Applicant's arguments filed 11/23/07 have been fully considered but they are not persuasive.
4. As to claim 1, Applicant argues the setting information now includes "unique information for the network device (namely, the setting information of the devices, e.g., the setting for print quality, printing paper, etc.). It is unclear to the examiner how such setting

information would be more unique than the previously cited types of information in Matsuda and Traverstat. In fact, Matsuda's disclosure of information such as the computer's network name, IP address, etc. would appear to be more unique to a system than settings such print quality. Print quality typically is from a rather limited range such as "Draft, Normal, Best" and would be common across a number of systems.

*Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 4-9, 11, and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuda et al. (Matsuda), U.S. Publication No. 2002/0133573 A1, in view of Traversat et al. (Traversat), U.S. Patent No. 6,119,157.

7. As to claim 1, Matsuda discloses a network device that connects with an information processing device via a network, the information processing device storing setting information which is used for a preset control of the network device ([0065], ln. 2-5) and

includes unique information for the network device ([0066], ln. 12-17), said network device comprising:

a setting information memory module that is configured to store the setting information ([0066], ln. 12-17);

a receiver module that receives the setting information, which is mapped to predetermined identification information allocated to said network device, via the network from the information processing device ([0065], ln. 7-17; [0066], ln. 12-17); and

an update module that updates the storage in the setting information memory module, based on the received setting information ([0010], ln. 19-24);

a transmitter module that sends a transmission request of the setting information to said information processing device via the network at least when said network device is connected to the network ([0065], ln. 2-5).

Matsuda is silent on said update module selects the setting information mapped to the predetermined identification information for identifying said network device among the received setting information, when the received setting information includes setting information mapped to identification information allocated to another network device.

However, Traversat does disclose said update module selects the setting information mapped to the predetermined identification information for identifying said network device among the received setting information, when the received setting information includes

setting information mapped to identification information allocated to another network device (Col. 13, ln. 64 – Col. 14, ln. 9).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Matsuda by having a client select relevant update information as taught by Traversat in order to avoid the need for a server to determine a list of clients that desire or are relevant to an update and instead broadcast updates to appropriate clients.

8. As to claim 4, Matsuda and Traversat disclose the invention substantially as in parent claim 1, including the transmission request includes the predetermined identification information (Matsuda: [0065], ln. 2-11; it is inherent in DHCP that a client's DHCP Discover, a request for configuration, includes the MAC address of the client).

9. As to claim 5, Matsuda and Traversat disclose the invention substantially as in parent claim 1, including said transmitter module sends the transmission request in response to a requirement from said information processing device (Matsuda: [0041], ln. 2-6 and 16-20; a DHCP server requires that a client send a request for configuration in order to function correctly on the network).

10. As to claim 6, Matsuda and Traversat disclose the invention substantially as in parent claim 1, including a search module that searches for a location of said information processing device on the network (Matsuda: [0041], ln. 6-11 and 20-33; a client searches by broadcasting DHCP Discovers across the network until a preferred DHCP server is found).

11. As to claim 7, Matsuda and Traversat disclose the invention substantially as in parent claim 3, including said information processing device is present at a certain location on the network, which is known to said network device (Matsuda: [0044], ln. 25-32).

12. As to claim 8, Matsuda and Traversat disclose the invention substantially as in parent claim 1, including said transmitter module sends the transmission request on a start-up of said network device (Matsuda: [0065], ln. 2-5).

13. As to claim 9, Matsuda and Traversat disclose the invention substantially as in parent claim 1, including the setting information includes transmission timing information regarding a timing of the transmission (Matsuda: [0062], ln. 5-7; it is inherent in DHCP that a client's configuration includes a lease time), and

said transmission module sends the transmission request based on the transmission timing information (Matsuda: [0062], ln. 5-7; it is inherent in DHCP that a client sends a

renew request based on the lease time, which is sending a transmission request based on transmission timing information).

14. As to claim 11, Matsuda and Traversat disclose the invention substantially as in parent claim 1, including the identification information is set in advance on shipment of said network device (Matsuda: [0064], ln. 4-8; a MAC address is set by the manufacturer).

15. As to claim 14, Matsuda and Traversat disclose the invention substantially as in parent claim 1, including said network device is a printing device (Matsuda: [0033]).

16. As to claims 15 and 16, the claims are rejected for the same reasons as claim 1 above.

17. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuda and Traversat as applied to claim 3 above, in view of Parthesarathy et al. (Parthesarathy), U.S. Patent No. 6,353,926 B1.

18. As to claim 10, Matsuda and Traversat disclose the invention substantially as in parent claim 1, but are silent on said transmitter module sends the transmission request, when said



receiver module receives a notice showing that the setting information stored in said information processing device has been updated.

However, Parthesarathy does disclose said transmitter module sends the transmission request, when said receiver module receives a notice showing that the setting information stored in said information processing device has been updated (Col. 6, ln. 11-31).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Matsuda and Traversat by sending a transmission request when a client receives a notice that there is an update as taught by Parthesarathy in order to provide the user with the option of deciding how an update should be handled (Parthesarathy: Col. 6, ln. 11-31) as opposed to forcing undesired or unneeded updates on a client.

19. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuda and Traversat as applied to claim 1 above, in view of Sherer et al. (Sherer), U.S. Patent No. 6,115,376.

20. As to claim 12, Matsuda and Traversat disclose the invention substantially as in parent claim 1, but are silent on the identification information is set after shipment of said network device.

However, Sherer does disclose the identification information is set after shipment of said network device (Col. 1, ln. 48-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Matsuda by setting identification information after shipment of a network device as taught by Sherer in order to allow for uses such as transparent bridging where one end station forwards a packet for another end station transparently (Sherer: Col. 1, ln. 66 – Col. 2, ln. 6).

21. As to claim 13, Matsuda, Traversat, and Sherer disclose the invention substantially as in parent claim 12, including the identification information is set based on a location of said network device (Matsuda: [0064], ln. 4-8; it is inherent that a MAC address contains an Organizationally Unique Identifier that identifies the network device based on its manufacturer, which may be interpreted as setting the identification information based on the location of the network device).

### *Conclusion*

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian P. Whipple whose telephone number is (571) 270-1244. The examiner can normally be reached on Mon-Fri (8:30 AM to 5:00 PM EST).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BPW

Brian P. Whipple  
1/22/08

/Bunjob Jaroenchonwanit/

Bunjob Jaroenchonwanit  
Supervisory Patent Examiner  
Art Unit 2152  
January 29, 2008